

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND )  
COMPOUNDING PHARMACY, INC. ) MDL No. 2419  
PRODUCTS LIABILITY LITIGATION ) Dkt. No. 1:13-md-2419-FDS  
\_\_\_\_\_  
This Document Relates to: )  
All cases )

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**AFFIDAVIT OF KENNETH R. LISTER, M.D.**

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STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

Comes Kenneth R. Lister, M.D., after first being duly sworn, and states as follows:

1. I am over 18 years of age, have personal knowledge of the facts contained herein, and am competent to testify to same.
2. I am currently a licensed physician, and I was licensed as a physician during all times relevant hereto. I am currently a physician co-owner of Specialty Surgery Center, Crossville, PLLC.
3. I administered epidural steroid injections as part of the medical treatment and health care provided to the following Plaintiffs:

Jocelyn Norris	James Palmer
Elizabeth Bray	Judy Collins
Danette Graham	Shirley Savercool
Dale Willis	Wanda Cox
Wanda Dingess	Dallas Nealon
Wanda Reed	John Johnson
Georgeann Hubbard	Linda Jackson
William Lapiska	Edna Keyes

4. During an epidural steroid injection, the patient's vital signs are monitored. The patient is placed prone and, utilizing aseptic technique, the injection site is prepped. I use C-arm fluoroscopy to identify the site for needle placement. I then direct the needle to the target area and confirm the needle location utilizing contrast dye and the C-arm

fluoroscopy. Once needle location is confirmed, I administer the steroid and monitor the patient's tolerance.

5. The procedure as I have described for an epidural steroid injection complies with the accepted standard of care for those procedures in this community. I am familiar with that standard of care based on my education, training, and experience, and particularly on my experience practicing as a physician in the Crossville medical community performing such injections in 2012.

6. In 2012, at Specialty Surgery Center, Crossville, PLLC, spinal epidural steroid injections were performed on the Plaintiffs following a diagnosis of, and as treatment and care for, pain related to spinal nerves.

7. In the summer of 2012, I participated in the decision to purchase preservative-free methylprednisolone acetate from the New England Compounding Center for use at Specialty Surgery Center, Crossville, PLLC.

8. In 2012, Specialty Surgery Center, Crossville, PLLC., was licensed as an ambulatory surgery center.

9. In 2012, Specialty Surgery Center, Crossville, PLLC, through the health care providers working there, provided health care services to patients, including the provision of care to the Plaintiffs in this case.



(Signature of Affiant)

STATE OF TENNESSEE                  )  
COUNTY OF \_\_\_\_\_                  )

Sworn to and subscribed by me on this 9<sup>th</sup> day of January, 2014.



(Notary Public)

My Commission Expires: 07/03/17

